

Message Text

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INFO AMEMBASSY BERLIN
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UNCLAS SECTION 1 OF 2 USBERLIN 0881

E.O. 11652: N/A
TAGS: PGOV, BWG, AKB
SUBJECT: LORENZ-VON DRENCKMANN TRIAL: OPENING SESSIONS

REF: USBERLIN 0290

SUMMARY. SUBJECT TRIAL OF 2 JUNE MOVEMENT ACCUSED TERRORISTS
BEGAN 11 APRIL WITH SECOND SESSION HELD 12 APRIL. SESSIONS
WERE MARKED BY TIGHT SECURITY, RAMBUNCTIOUS AND INSULTING
DEFENDANTS AND GALLERY AND EFFORTS OF COURT TO KEEP ORDER.
DEFENDANTS APPEAR INTENT TO USE TRIAL AS MEANS TO CONVEY
THEIR CONTEMPT FOR THE GERMAN LEGAL ORDER. THE COURT WILL
HAVE A VERY DIFFICULT, IF NOT IMPOSSIBLE, TASK OF
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MAINTAINING ORDER DURING THE FULL COURSE OF THE TRIAL.
END SUMMARY.

1. THE TRIAL BEGAN ON APRIL 11 AT THE MOABIT CRIMINAL
COURT. THE PRESIDING JUDGE IS FRIEDRICH
GEUS, 52, AN EXPERIENCED AND ENERGETIC JUDGE OF THE FIRST
PENAL SENAT OF THE KAMMERGERICHT. THE CHIEF OF THE PROSE-

CUTION TEAM IS THE HEAD OF THE FEDERAL PROSECUTOR'S OFFICE IN BERLIN, BUNDESANWALT OBERLE; HOWEVER, THE ACTUAL PROSECUTION WAS LED BY FEDERAL PROSECUTOR GERHARD VOELZ. ACCUSED ARE RALF REINDERS, 29; RONALD FRITZSCH, 26; GERALD KLOEPPER, 26; FRITZ TEUFEL, 34; TILL MEYER, 34; ANDREAS VOGEL, 22. THEY ARE ACCUSED OF THE MURDER OF CHIEF JUSTICE GUENTER VON DRENCKMANN ON NOVEMBER 10, 1974; THE ABDUCTION OF CDU CHAIRMAN PETER LORENZ ON FEBRUARY 27, 1975; TEN BANK ROBBERIES; THE BURGLARY OF A WEAPONS SHOP, AND RELATED OFFENSES. THE BILL OF INDICTMENT COMPRISES 230 PAGES; IT IS EXPECTED THAT 599 WITNESSES AND 34 EXPERTS WILL BE HEARD. ABOUT 700 ITEMS OF EVIDENCE WILL BE PRESENTED TO THE COURT. THE ACCUSED ARE DEFENDED BY 21 ATTORNEYS. ONLY THREE ARE COUNSELS OF THEIR OWN CHOICE (WAHLVERTEIDIGER); THE REMAINING 18 ARE DEFENSE COUNSELS APPOINTED BY THE COURT.

2. ON THE FIRST DAY OF THE TRIAL THE ATMOSPHERE WAS TENSE. THE PRESIDING JUDGE TRIED TO EASE THE TENSION BY ORDERING THAT THE DEFENSE COUNSELS WOULD BE EXEMPTED FROM THE REQUIREMENT IMPOSED ON ALL OTHERS PRESENT TO BE SEARCHED. HE THEN OPENED THE SESSION BY IDENTIFYING THE ACCUSED (SEATED, THREE EACH, IN TWO BULLET PROOF GLASS ENCLOSURES), WHO REFUSED TO STATE THEIR OWN NAMES. THE COURT THEN REJECTED NUMEROUS MOTIONS RAISED BY DEFENSE COUNSELS, E.G., THAT POLICE PRESENT IN THE COURT ROOM NOT BE ARMED, THAT THE NAMES OF VISITORS NOT BE RECORDED, ETC.

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3. OPENING SESSION LASTED ONLY THREE HOURS AND DID NOT INCLUDE A READING OF INDICTMENT. AFTER THREE OF THE COURT-APPOINTED DEFENSE COUNSELS ENTERED MOTIONS TO BE RELIEVED FROM THEIR APPOINTMENT, THE TRIAL WAS RECESSED TO 12 APRIL.

COMMENT. IT IS EASY TO IMAGINE WHY THESE ATTORNEYS REQUESTED TO BE RELIEVED OF THEIR DUTIES. ON 10 APRIL, REINDERS, FRITZSCH AND TEUFEL HAD ASKED THEIR COURT APPOINTED COUNSELS (LIGNITZ, RUESSMANN, BUFE, HINGST) FOR A VISIT AND WHEN ALONE WITH THEM IN THE VISITORS' ROOM, HAD PHYSICALLY ATTACKED THEM. END COMMENT. THEIR MOTION WAS OPPOSED BY FEDERAL PROSECUTOR VOELZ WHO RELIED ON THE GERMAN LAWYERS CODE OF ETHICS; HOWEVER, THE MOTION WAS SUPPORTED BY THE WAHLVERTEIDIGER.

4. ON THE FIRST DAY OF THE TRIAL, THE AUDIENCE (58) INCLUDED QUITE A NUMBER OF THE DEFENDANTS' SYMPATHIZERS. THE ACCUSED PLAYED TO THEIR AUDIENCE AND ATTEMPTED TO DISTURB THE

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TRIAL BY SHOUTS AND BY INSULTING THE COURT APPOINTED
DEFENSE COUNSELS; ONE DEFENDANT, FRITZ TEUFEL FOUND AN OPPOR-
TUNITY WHILE IN THE DOCK TO POUR A GLASS OF WATER OVER
ONE OF THE COURT APPOINTED DEFENSE COUNSELS.

5. THE SECOND DAY OF TRIAL WAS CHARACTERIZED BY MORE
OF THE SAME. AFTER OPENING THE SECOND SESSION, THE PRE-
SIDING JUDGE REJECTED THE MOTION OF LIGNITZ, RUESSMANN
AND HINGST, TO BE RELIEVED FROM THEIR APPOINTMENT. HE
RULED THAT IT IS IN THE INTEREST OF THE GOVERNMENT THAT
THE TRIAL CONTINUE AS ARRANGED. COMMENT. THE
MANEUVER OF THE ACCUSED AIMS AT HINDERING THE PROPER
COURSE OF THE TRIAL AND MIGHT INDEED BE SUCCESSFUL BECAUSE
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IT IS DOUBTFUL THAT THE COURT WILL BE ABLE TO FORCE A
LAWYER TO CONTINUE TO PARTICIPATE IN THE TRIAL AGAINST HIS

WILL. ON THE OTHER HAND IT WOULD BE IMPOSSIBLE FOR THE THREE WAHLVERTEIDIGER TO CARRY OUT THE DEFENSE IN THE EVENT THAT A NUMBER OF THE COURT APPOINTED DEFENSE COUNSELS REFUSE TO PARTICIPATE. END COMMENT.

6. ONE AFTER THE OTHER, REINDERS, TEUFEL AND FRITZSCH, AS A RESULT OF INSULTING SHOUTS LIKE "PIG," "SHEEP," ETC. WERE REMOVED FROM THE COURT ROOM. WHEN SOME OF THE AUDIENCE APPLAUDED TEUFEL'S INSULTING SHOUTS, A FIGHT OCCURRED BETWEEN VISITORS AND POLICE WHO USED THEIR CLUBS. THE PRESIDING JUDGE HAD A NUMBER OF VISITORS WHO CRIED "MURDERERS" REMOVED FROM THE ROOM. THE PRESIDING JUDGE FURTHER REJECTED A MOTION OF THE WAHLVERTEIDIGER THAT THE ACCUSED BY ASSIGNED A SECOND COUNSEL OF THEIR OWN CHOICE TO SERVE AS COURT APPOINTED COUNSEL.

7. TRIAL WAS RECESSED UNTIL TUESDAY, APRIL 18, LITTLE HAVING BEEN ACCOMPLISHED.

8. COMMENT. WE EXPECT THE PROCEEDINGS TO BE SERIOUSLY DISRUPTED BY DEFENDANTS AND THEIR WAHLVERTEIDIGEN. ADDRESSEES WILL RECALL THE FRG KONTAKTSPERREGESSETZ (CONTRACT BAN LAW) WHICH WAS DEvised TO SEPARATE ACCUSED OR CONVICTED TERRORISTS AND LAWYERS OF THEIR CHOICE SINCE THE AUTHORITIES HAD REASON TO BELIEVE THAT SUCH DEFENSE COUNSEL ACTIVELY CONSPIRED WITH SUCH TERRORISTS TO PLAN OR EXECUTE HOSTILE ACTS. THE FIRST TWO SESSIONS OF THE TRIAL HAS ALREADY SHOWN THE DISTINCTION BETWEEN COURT APPOINTED AND FREELY CHOSEN DEFENSE COUNSEL. WE BELIEVE THE DISTINCTION WILL BECOME SHARPER IN FUTURE SESSION. END COMMENT.

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9. USBERLIN PLANS TO GIVE NO MORE FREQUENT THAN WEEKLY REPORTS ON THE TRIAL UNLESS SOME ESPECIALLY NOTEWORTHY EVENTS OCCUR. GEORGE

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